



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

PART VII EXTRAORDINARY

No.23

AMARAVATI, TUESDAY , JULY 17, 2018

G.389

NOTIFICATIONS BY GOVERNMENT

--X--

**PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT
(VIG.I)**

ALLEGATIONS OF CORRUPTION AND MISAPPROPRIATION OF EAS FUNDS IN TRIBAL WELFARE DIVISION, RAMPACHODAVARAM IN EXECUTION OF C.D.WORKS ON ROAD FROM A.M.KOTA TO PATHAKOTA - DISCIPLINARY PROCEEDINGS INITIATED AGAINST SRI N.ARUN KUMAR, FORMER ASSISTANT EXECUTIVE ENGINEER, EAST GODAVARI DISTRICT - ENQUIRY CONDUCTED - COMMUNICATION OF ENQUIRY REPORT - EXPLANATION CALLED FOR.

- Ref : 1. G.O.Rt.No.998, PR&RD (Vig.I) Department, Dt: 14.11.2014.
2. From Sri K. Sahadeva Reddy, D.O.Lr.No. 18/COI.KSR/2015, Dt: 15.11.2017.

Memo No. 2056/Vig.I/2005,- Government have appointed Sri K.Sahadeva Reddy, Commissioner of Inquiries, General Administration (COI.KSR) Department as Inquiry officer to conduct enquiry into the charges framed against Sri N.Arun Kumar, former Assistant Executive Engineer, East Godavari District, in respect of allegations of corruption and misappropriation of EAS funds in Tribal Welfare Division, Rampachodavaram in execution of C.D.works on road from A.M.Kota to Pathakota, vide reference 1st cited.

Sri K.Sahadeva Reddy, Commissioner of Inquiries, General Administration (COI.KSR) Department has submitted the Inquiry Report, vide reference 2nd cited. A copy of Inquiry report is herewith communicated to Sri N.Arun Kumar, former Assistant Executive Engineer, East Godavari District, now dismissed from service and He is directed to submit his representation, if any, on the enquiry report, within (15) days from the date of receipt of this Memo, failing which, it will be construed that he has no explanation to offer and necessary action will be taken against him, based on the material available on record, as per rules.

Report of inquiry into the charges framed against Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in I.T.D.A. (U/S), Rampachodavaram, East Godavari District.

Memo No. 2056/Vig.II/2005,- The Government in Panchayat Raj & Rural Development (Vig.II) Dept., vide G.O.Rt.No.1086, Dated: 11.07.2008, in exercise of powers conferred under Sub Rule (2) of Rule 20 of Andhra Pradesh Civil Services (Classification, Control 8, Appeal) Rules, 1991 have appointed Dr. Prasanta Mahapatra, I.A.S., as Inquiring Authority to conduct Inquiry into the charges framed against Sri G.Sudarsanam, formerly Deputy Executive Engineer (Tribal Welfare), Rampachodavaram, East Godavari District and Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj (U/S), East Godavari District. The Government have also appointed the Superintending Engineer, Panchayat Raj, Kakinada, East Godavari District, as Presenting Officer to present the case on behalf of the Disciplinary Authority, under sub-rule (5) of Rule 20 of APCS (CCSA) Rules, 1991. Government have issued orders in G.O.Rt.No.1356, PR & RD (Vig.II) Dept., Dt: 19.09.2009, appointing Sri A.B.Venkateswara Rao, I.P.S., Commissioner of Inquiries as Inquiring Authority in place of Dr. Prasanta Mahapatra, I.A.S. Government have also issued orders in G.O.Rt.No.1825, PR & RD (Vig.II) Dept., Dt: 30.11.2010, appointing Dr. Subhrendu Bhattacharya, I.A.S., Commissioner of Inquiries as Inquiring Authority in place of Sri A.B.Venkateswara Rao, I.P.S. Government in G.O.Rt. No.451, PR & RD (Vig.II) Dept., Dt. 17.03.2012 have re-assigned the case to Sri Jitender, Commissioner of Inquiries as Inquiring Authority in place of Dr. Subhrendu Bhattacharya, I.A.S. In the mean while Govt, vide U.O.Note No.2056/Vig.II/A2/2005-19, Dt.05.01.2013 have informed that the Hon'ble APAT, Hyderabad in its orders Dated:15.03.2012 in O.A.No. 1658/2011 has quashed the Charge Memo. Dated: 25.05.1998 served on the applicant (Charged Officer-1). The Government in PR & RD (Vig.II) Dept., have requested the GA (COI.J) Dept, not to conduct Inquiry against Sri G.Sudarsanam, Deputy Executive Engineer (Retd.), Panchayat Raj (CO-1) in this case. Govt. have also implemented the orders of Hon'ble APAT releasing all the retirement benefits in accordance with law to the Charged Officer-I vide G.O.Rt. No.149, PR & RD (Vig.II) Dept., Dt:30.01.2013. As the case stood thus, the Government have issued orders appointing Sri C.Sammi Reddy, IFS (Retd.), Commissioner of Inquiries as inquiring authority in this case in place of Sri Jitender, IPS, vide G.O.Rt.No.1910, PR & RD (Vig.II) Dept., Dt: 25.11.2013. At this stage the case was reassigned to me vide G.O.Rt.No.998, Panchayat Raj & Rural Development (Vig.I) Department, Dt:14.11.2014. Notices were issued by this forum and the CO-2

has not turned up for the inquiry. The Presenting Officer vide his Letter Dated: 02.03.2013 has informed that the CO-2 has absconded from duty and his subsistence allowance has been paid upto 31.07.2010 and his address could not be traced. The Presenting Officer vide his letter Dt.28.05.2015 has informed that the CO-2 is dismissed from service vide G.O.Ms.No. 153, PR & RD (Vig.I) Dept., Dt:15.12.2014. This forum has requested the Disciplinary Authority to examine whether it is appropriate to proceed with the inquiry under CCA Rules since the CO is dismissed from service. The Disciplinary Authority vide U.O.Note No.2056/Vig.1/2005, Dt: 01.01.2016 has informed that the CO was dismissed in another case and requested this forum to proceed further with the inquiry as per APCS (CC&A) Rules, 1991 and to conduct ex-parte enquiry basing on the material available, if the whereabouts of the CO are not known. Even after issue of several notices, the CO has not turned up. The Presenting Officer has filed his written brief/written arguments on 25.03.2017. In view of the clarification received from the Disciplinary Authority vide U.O.Note No.2056/Vig.1/2005, Dt: 01.01.2016 and since the PO has already filled his Written Brief/Written Arguments, I have prepared the inquiry report based on the material available on record as per sub-rule 17 and 18 of Rule 20 of APCS (CC&A) Rules, 1991 as under which consists of:

1. Case of the Disciplinary Authority.
2. Case of the Charged Officer.
3. Analysis and Assessment and
4. Findings.

Case of the Disciplinary Authority:

The case of the Disciplinary Authority consists of (1) Articles of Charge framed against Charged Officer by the Disciplinary Authority (2) Written brief / arguments of the Presenting Officer filed before the Inquiring Authority in respect of the charges framed against the Charged Officer.

Statement of Articles of Charge framed against Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in I.T.D.A. (U/S) Rampachodavaram, East Godavari District :

The following Articles of Charge were framed against Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in ITDA (U/S), Rampachodavaram, East Godavari District vide Memo.No.I3052/Estt.I (I)/98-5, PR & RD (Estt.I) Dept., Dated: 25.05.1998.

Charge - I :

That Sri N.Arun Kumar, during his tenure as A.E.E., Panchayat Raj in Rampachodavaram has caused a overall loss of Rs.7.50 lakhs by executing and recording sub-standard works in M.B.Nos.38/TW/94-95 and M.B.No.139.B/TW/93.

Basis of the Charge :

As per the report of the Executive Engineer & QC & Vig. (TW), Hyderabad Sri N.Arun Kumar, A.E.E. was entrusted with the execution of 4 C.D. works departmentally in Road from A.M. Kota to Pathakota, at an estimate cost of Rs.12.00 Lakhs at the rate of Rs.3.00 Lakhs to each of C.D. work as detailed below;

1. C.D. work on the above road between 8/4 to 8/6 KM (Est.cost Rs.3.00 Lakhs).

The work was executed with substandard concrete and excessive honey combing is observed. Due to substandard execution, the culvert is not put to use and the vehicles are taking diversion, defeating the very purpose of sanction of the culvert. The value of work done to a tune of Rs.1,98,690/- has become infructuous and a loss to the Department. The work was also not check measured by the Dy. Executive Engineer.

2. C.D. work on road from A.M. Kota to Pathakota at K.M.17/0 Est.cost of Rs.3.00 Lakhs).

The A.E.E. Sri N. Arun Kumar by fraudulent means, recorded foundations excavation and mass concrete with 1:4:8 proportion to a thickness of 30 Cms 2~a substructure body walls to a height of 90 Cms whereas during inspection no traces of the said work so recorded could be traced. This clearly indicates that the A.E.E. has misappropriated the funds to a tune of Rs. 1,45,172/- as recorded. The work recorded by the A.E.E. in the M.B. was not check measured by the Deputy Executive Engineer.

3. C.D. work in Road from A.K. Kota to Pathakota in KM 19/0 (Est. cost of Rs.3.00 lakhs).

The A.E.E. who is incharge of the work and supposed to execute good quality of work, constructed the C.D. work with substandard concrete with excessive honey combing. Having constructed the culvert, he has not attempted to form approaches on either side of the culvert. There by the culvert has become unusable apart from substandard construction and the value of work executed Rs.1,99,864/- recorded in the M.B. has become infructuous and a loss to the Department. The work was not check measured by the Dy. Executive Engineer.

4. C.D. work in Road from AM Kota to Pathakota at KM 25/0 (Est. cost of Rs.3.00 lakhs).

As in the case of the above C.D. works the culvert was executed with substandard material and the value of work executed Rs.2,06,274/- as recorded in the M.B. has become infructuous. The work was not check measured by the Deputy Executive Engineer.

Charge - II :

That Sri N.Arun Kumar, A.E.E., Panchayati Ra; has drawn huge advances to an extent of Rs.29.55 lakhs and adjusted only Rs.16,79,582/- and thus temporarily misappropriated Rs.12,75,418/-.

Basis of the Charge :

As seen from the report of the Executive Engineer (TW), Rampachodavaram vide Lr.No.Rc.EE/TW/EAS/96, Dt: 22.94.1998, the incumbent has drawn huge advances to an extent of Rs.29.55 lakhs and adjusted Rs.16,79,582/- only, leaving a balance of Rs.12,75,418/-. The A.E.E. being responsible section officer, should have rendered the accounts, duly remitting the accounts. Thus he has temporarily misappropriated the Government funds which warrants deterrent action for his failure to render accounts.

List of documents by which the Articles of Charge framed against Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in ITDA (U/S), Rampachodavaram, East Godavari District are proposed to be sustained :

- 1 Abstract of the Report of the Executive Engineer (TW), Quality^ Control & Vigilance, Hyderabad received through Lr.No.AEE2/681/Vig/TW-RCV/97, Dt.,
- 2 Executive Engineer (TW), Rampachodavaram Lr.No.Rc.No.EE/TW/EAS/96, Dt: 22.04.1998.

List of Witnesses by which the Articles of Charge framed against Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in ITDA (U/S), Rampachodavaram, East Godavari District are proposed to be sustained :

—NIL—

Written Arguments filed by the Presenting Officer :

The Presenting Officer has submitted his written brief / arguments as follows:

“ Charge 1

In this charge it is alleged that the Charged Officer Sri N. Arun Kumar during his tenure as AEE Panchayat Raj in Rampachodavaram has caused a overall loss of Rs.7.50 lakhs by excuting and recording sub-standard works in M.B No.38/TW/94-95 and M-B.No.139B/TW/93.

BASIS OF THE CHARGE

As per the report of the Executive Engineer and QC & Vig. (TW) Hyderabad Sri N. Arun Kumar, AEE was entrusted with the execution of 4 CD works departmentally in Road from AM Kota to Pathakota at an estimated cost Rs.12.00 lakhs @ Rs.3.00 lakhs each CD work as detailed below.

Name of the work: Road from AM kota to Pathakota Est. Cost of Rs.12.00 lakhs for 4 No. of CD works.

Road work between	Est. Cost. Rs. in Lakhs	Loss caused to Government in Rs.
1] Road work between 8/4 to 8/6 km	3.00	198690
2] Road work between 17/0 km	3.00	145172
3] Road work between 19/0 km	3.00	199864
4] Road work between 25/0 km	3.00	206274
Total:	12.00	750000

1] CD WORK ON THE ABOVE ROAD BETWEEN 8/4 TO 8/6 KM Est. cost Rs. 3.00 lakhs)

The work was executed with sub-standard concrete and excessive honey Combing is observed. Due to sub-standard execution the Culvert is not put to use and the vehicles are taking diversion, defeating the very purpose of sanction of Culvert. The value of work done to tune of Rs.198690/- has become infructuous and a loss to the department. The work was also not check measured by the Dy. EE.

2] CD WORK ON ROAD FROM AM KOTA TO PATHAKOTA AT KM 17/0, Est. Cost of Rs. 3.00 lakhs.

The AEE, Sri N. Arun Kumar by fraudulent means recorded foundations excavations and mass concrete with 1:4:8 proportions to a thickness of 30mts and substructure body walls to a height of 90mts where as during inspection no traces of the said work so recorded could be traced. This clearly indicates that the AEE has misappropriated the funds to tune of Rs.1,45,172/- as recorded. The work recorded by the AEE in the M.B was not check measured by the Dy. EE.

3] CD WORK IN ROAD FROM AM KOTA TO PATHAKOTA IN KM 19/0 (Est. cost of Rs.3.00 lakhs)

The AEE who is incharge of the work and supposed to execute good quality of work constructed the CD work with sub-standard concrete with excessive honey combing. Having the constructed the Culvert he has not attempted to form approaches on either side of the culvert. There by the culvert has become unusable apart from sub-standard construction and value of wrk executed 1,99,864/- recorded in the M.B has become infructuous and a loss to tne department. The work was not check measured by the Dy. EE.

4] CD WORK IN ROAD FROM AM KOTA TO PATHAKOTA AT KM 25/0 (Est. cost, of Rs.3.00 lakhs)

As in the case of above CD works the Culvert was executed with sub-standard material and the value of work executed Rs.2,06,274/- as *recorded* in the M.B. has become infructuous. The work was not check measured by the Dy. EE.

On the charges framed against the Charged Officer has submitted his Written Statement of Defence directly to the Principal Secretary to Govt. PR & RD Dept. In the Written Statement the A.O has submitted that in Annexure (1) para (1) the charges were made for the work done for Rs. 1,98,960/- that substandard concrete and excessive honey combing is observed. Due to unskilled labour of the work may be seemed to be uneven. But the work was executed in the presence of Dy. Executive Engineer, Tribal Welfare and the higher technical officers belongs to tribal welfare visited and inspected the work oftenly during the progress of work the work finished before 2½ years (March- 96). Due to further advances were not released the approaches are not finished. hence it may not be in use. But of further advance will make the useful for transportation.

Further the A.O has submitted in para (2) of Annexure (1) the work at 17/0 was executed up to bed level. The work was executed as per the instructions received from Executive Engineer, Tribal Welfare. The Height of 90Cms, in the recording indicates that the depth of scour. Hence it may be silted up with debris, sand etc. during the rainy season, but up to 1/97 when I relieved the work was shown by tribal welfare higher officers and no report has been made against that work.

In the para 3rd and 4th of the Annexure (1), the CD Works at 19/9 and 25/0 are constructed upto top level except top cushioning with cc (1:2:4). The both works were executed in presence of Dy. Executive Engineer, Tribal Welfare And was proposed to provide approaches it advances were released, but the materials used are also inspected and approved by tribal welfare officials. The all payments made were by both team leader and Section Officer.

Charge-II

That Sri N.Arun Kumar, AEE, PR has drawn huge advances to an extent of Rs.29.55 lakhs and adjusted only 16,79,582/- and thus temporarily misappropriated Rs.12,75,418/-

BASIS OF THE CHARGE:

As seen from the report of the Executive Engineer, T.W.Rampachodavaram vide a letter No.Rc.EE/T.W/EAS/96, Dt. 22.4.1998. The incumbent has drawn huge advances to an extent of Rs.29.55 lakhs and adjusted Rs.16,79,582/- only leaving a balance of Rs.12,75,418/-. The AEE being responsible section officer should have rendered the accounts duly remitting the accounts. Thus he has temporarily misappropriated the Govt. funds which warrants deterrent action for his failure to rendered accounts.

Reply of the Charged Officer

The accused office has submitted that he was received an advance of Rs.29.55 lakhs on 18 Nos of works and stated that he submitted bills up to Rs.20.59 lakhs are adjusted. Further work bills up to 7.50 lakhs were (already mentioned works in the charge-1) bills submitted but pending due to charges framed against him. The total value is 20.59+7.50 = 28.09 lakhs. Remaining balance materials are available at site.

Report of the Presenting Officer :

It is submitted that the above charges I & II have been framed by the Govt. against the Charged officer during May, 1998. **As per the charge No.I** the Charged officer has given his written statement that certain road material was stacked at road point at that time as such it is very difficult to assess cost of material at present as this case relates to long long ago i.e., about 19 years.

It is submitted that as per **the charge No.II** it is the fact that the Charged Officer has taken an advance of Rs.29.55 Lakhs on 18 works and out of that an amount of Rs.16,79,582/- was adjusted leaving a balance of Rs.12,25,418/- are still pending for adjustment.

Further it is submitted that in the reference 6th and 7th cited, a notice was issued to the charged officer by way of registered post Ack. Due to two different addresses but the covers was returned by the postal authorities with their remarks stating that the individual is not residing in the address.

Further it is also submitted that in the GO Ms.No.153, PR & RD (Vig.I) Dept, Dt: 15.12.14 the charged officer was awarded major punishment on misuse of Govt. funds to tune of Rs.2,70,500/- while he is in charge of the post of MPDO Maredumilli of Rampachodavaram agency by **dismissing him from the service besides recovery of misappropriated amount.**

In this connection it is submitted that a major punishment was already awarded by the Govt, dismissing the charged officer from the service.

This is submitted for favour of information.

Written Statement of Defense submitted by Sri N.Arun Kumar, Assistant Executive Engineer, Panchayat Raj in ITDA (U/S), Rampachodavaram, East Godavari District to the Disciplinary Authority :

In the written statement of defense submitted to the Disciplinary Authority the Charged Officer has stated as below:

“With reference to the memo first cited charges have been made in Annexure (1) stating that I have caused a overall loss of 7.50 lakhs by executing and recording sub-standard works in M.B.No.38/T/94-95 and M.B.No.139B/T/93. Thus it was noticed as serious irregularities, hence charges framed and asked me for proper reply.

In the reference 2nd, 3rd, 4th and 5th, the same was endorsed by Engineer-in-Chief, Superintending Engineer, Kakinada, Executive Engineer, P.R., Rajahmundry and Dy. Executive Engineer, P.R., Rampachodavaram and same was received by me on 24.07.1998.

Hence, I submit that, respected higher authorities please have a look on me administrative grounds and then please consider my reply with excuses if I write any un-necessary or excessive matter regarding this.

I, Nandanar Arun Kumar, posted as Assistant Executive Engineer, Panchayat Raj, Maredumilli (Section) under control of Maredumilli Sub-Division

(now shifted) under Control of Executive Engineer, Panchayat Raj, Rampachodavaram (Now shifted) on 03.10.1994. I allocated to attend Panchayat Raj Dept, works at Maredumilli section. I never wanted to go on deputation to any other department including Tribal Welfare. But within 10 days of my posting at Maredumilli, Z.P.Section, I was deputed to Tribal Welfare department by Project Officer, I.T.D.A., Rampachodavaram issuing orders on 10/94 for a period of 15 days, so that I have to keep my Head Quarters at Daragadda village of Y.Ramavaram Mandal which is 70 K.Ms. away from Rampachodavaram. (Actually the village Daragadda located near to place at which 7 Nos. of I.A.S., Officials Kidnapped).

I was deputed there to attend work of Ghat Road between Daragadda and Gurthedu (19/0 to 20/500). Even though Tribal Welfare Department having full strength of Section Officers (AEEs & AEs) they are all allotted to same interior place and rejected to go there then they are all allotted near Road points. Everybody hesitate to go there. Then I was entrusted to Daragadda works.

I further submit as I think of the work "Ghat Road" between Gurthedu and Daragadda by putting my residence at Daragadda Village, further I was allotted to Road work between Gurthedu and Pathakota Village boarder (Visakhapatnam District boarder) in deep forest). (25/0 to 33/0).

At the time of starting of my work the higher officials told me to work first. In those interior places the people are not interested in participating in Road work due to unseen problems. But any how I put my residence at Daragadda and started working as soon as the work goes on, I found that it is very difficult and loss to work there. But the higher officials told me that Don't bother about losses and first of all we have to provide communications to such interior places. I was proceeded and completed Ghat Road between (Gravel Road) Daragadda and Gurthedu and road between (Gravel Road) Gurthedu and Pathakota limits.

Furrher I was allotted C.D.works also. I attend those works with the labour available there only because no skilled labour from plain areas will come to work at such interior places. Hence with the use of labour available there (due to lack of skillness) and other technical problems the work may be seen to uneven. But standards are same as all other works. Further I was suddenly dropped from deputation on 27.01.1997 by the Executive Engineer, Tribal Welfare, Rampachodavaram.

I submit that during 8/96, the Executive Engineer, Tribal Welfare, Rampachodavaram has written a letter to the Project Officer, I.T.D.A., Rampachodavaram requesting to issue further advances because the issued advances are spent on collection materials and labour charges. Hence to make proper record it is necessary to issue further advance to utilize the acollected materials for the proposed work. But the Project Officer, I.T.D.A., Rampachodavaram has not released any further advances. In such conditions how can I made a proper record.

I further submit that it was already become 2 years time when the work last done. During this period of 2 years, I have requested the Tribal Welfare Engineering Officers to please continue the balance works with the collected materials available at the work spot. But during this 2 years the most of the collected materials may be washed out because of heavy rains in hillock places. How can I responsible when I was dropped at middle of the work. At the time of my dropping

there were no remarks on my works. The Deputy Executive Engineer, Executive Engineer, Rampachodavaram are visited my works. They have not commented or they never issued a memo to me for executing sub standard work. They have shown the expenditure on progress reports on the works executed by me by visiting my works and checking the accounts.

Respected Sir, it is not easy to construct a concrete bridge work within one week or one month. During the progress of work it is a formal duty to section officer to intimate the position of work and date of concrete to my higher technical officer and it is also formal duty to concreting work in the presence of chek measuring officer also. My check measuring officers will not commit expenditure of a concrete work on progress report if they are not satisfied with work.

In such interior places due to lack of skilled labour it may not be seem to be even surface before finishing's done.

I submit during the starting of EAS works instructions were given in the reference (6) mentioned that the financial responsibility is fixed on team leader and Section Officer, all the payments are made by Team Leader and Section Officers both were present. The works duly inspected by the Deputy Executive Engineer, Tribal Welfare, and Executive Engineer, Tribal Welfare. Then only the progress reports also prepared by Deputy Executive Engineer, Tribal Welfare and Executive Engineer, Tribal Welfare. And also allotted one no. of liason worker from local tribal village for each work fixing a monthly salary of Rs.600/-. The duty of liason worker to mibilise the required labour to each work and to attend the work spot to guide the labour during the work with help of section officer.

I further submit that in Annexure (1) para (1) the charges were made for the work done for Rs. 1,98,960/- that substandard concrete and excessive honey combing is observed. Due to un-skilled labour of the work may be seemed to be uneven. But the work was executed in the presence of Dy.Ex.Engineer, Tribal Welfare and the higher technical officers belongs to tribal welfare visited and inspected the work oftenly during the progress of work the work finished before 2½ years (March, 96). Due to further advances were not released the approaches are not finished. Hence it may not be in use. But of further advance will make the culvert useful for transportation.

I further submit in para (2) of Annexure (1) the work at 17/0 was executged upto bed level. The work was executed as per the instructions received from Executive Engineer, Tribal Welfare. The Height of 90 Cms. in the recording indicates that the depth of scour. Hence it may be silted up with debris, sand etc. during the rainy season, but upto 1/97 when I relieved the work was shown by tribal welfare higher officers and no report has been made against that work.

In the para 3rd and 4th of the Annexure (1), the C.D. works at 19/9 and 25/0 are constructed upto top level except top cushioning with c.c. (1:2:4). The both works were executed in presence of Deputy Executive Engineer, Tribal Welfare and was proposed to provide approaches it advances were released, but the materials used are also inspected and approved by tribal welfare higher officials. The all payments made were by both team leader and Section Officer.

I further submit that the above works are located in deeper area. It is very difficult to transport the materials to such deeper areas. Even though I have tried my best and constructed with the materials approved by Tribal Welfare higher technical officers. Until upto 1/97 when I got believed from Tribal Welfare department I was not received any memo from tribal welfare department or any other regarding standard of materials used work done.

I was forcibly deputed to tribal welfare department and worked with fear day by day due to situations in such interior places and worked there without any memo, but now after 2 $\frac{1}{2}$ years of work done the works are not washed out they are as same as they were constructed 2 $\frac{1}{2}$ years back. In agency areas if "Konda Vagu" raised during rainy season by huge trees also washed out, but the works are strong and there without any damage.

I submit that there are plenty of tribal welfare works constructed into incomplete shape which are not useful to proposed purpose. They are started years back from my works started. But the quality control departments of Tribal Welfare department not commented on those works stating waste of construction causing losses to department.

Sir, I am from below middle class family from Scheduled Caste. I have no supporters or big hands to violate Rule (6) of memo in reference (1).

Respected Sir, I had got an advance of Rs.29.55 lakhs on 18 Nos. of I have submitted bills upto Rs.20.59 lakhs are adjusted. Further work bills upto 7.50 lakhs were (already mentioned the works in charges) bills submitted but pending due to charges framed against me. The total value is $20.59 + 7.50 = 28.09$ lakhs. Remain balance materials are available at site. The expenditure particulars are hereby enclosed 1, 2 and 3.

Finally, I submit that all of the works are duly inspected by my higher technical officers as per the instructions given in circular as per reference 6th cited.

Hence I request the authorities to please consider my case as per administrative problems and technical problems I have put into your kind notice. The Executive Engineer, Tribal Welfare, Rampachodavaram has written a letter to the Project Officer, I.T.D.A., Rampachodavaram about technical difficulties to settle the party completed works due to lack of issuing advances.

Hence, I am requesting the Higher Authorities to please kindly consider my case and please excuse if I had written any odd or unnecessary thinks and please excuse me for not prepared and submitted my work records at proper required shape due to works are not in a shape to record in Measurement book and the existing materials at site and labour charges and transportation charges paid are cannot be recorded in measurement book. The all technical problems are already explained to higher officials. Hence I request the higher authorities to have a please look on my matter and please excuse me for this time and please relieve me from the charges framed against me."

Written Brief/Arguments Submitted by Sri N. Arun Kumar, Assistant Executive Engineer, Panchayat Raj in ITDA (U/S), Rampachodavaram, East Godavari District to the Inquiring Authority.:

—Not furnished—

Analysis and Assessment :

The disciplinary case pertains to certain irregularities alleged to have been committed by Sri G.Sudharsanam, formerly Deputy Executive Engineer, Tribal Welfare, Rampachodavaram, East Godavari District, Charged Officer-1 **(CO-1)** and Sri N.Arun Kumar, the then Assistant Executive Engineer, Panchayat Raj (U/s) East Godavari District, Charged Officer-2 **(CO-2)**.

The Charge Memo issued against Sri G.Sudharshanam formerly Deputy Executive Engineer, Tribal Welfare, Rampachodavaram, East Godavari District, Charged Officer-1 **(CO-1)** was quashed by the Hon'ble APAT, Hyderabad in its order Dated: 15.03.2012 in O.A. No.1658/2011 as informed by the Disciplinary Authority vide U.O.Note No.2056/Vig.II/A2/ 2005-19, Dated: 05.01.2013. The Disciplinary Authority has requested the Inquiring Authority not to conduct inquiry against CO-1 and the government have also implemented the orders of Hon'ble APAT vide G.O.Rt. No.149, PR & RD (Vig.II) Dept., Dated: 30.01.2013. As such the matter pertaining to the CO-1 in this disciplinary case was not inquired into.

The Inquiry into the articles of charges framed against Sri N. Arun Kumar, the then Assistant Executive Engineer, PR (U/s), East Godavari District, Charged Officer-2 **(CO-2)** was taken up. The CO-2 has not responded to the multiple notices sent by this forum. The Presenting Officer **(PO)** vide his letter Dt: 23.05.2015 has informed that the CO-2 has been dismissed from service vide G.O.Ms.No.153.. PR & RD (Vig.I) Dept., Dated: 15.12.2014. On a request from this forum to the Disciplinary Authority to examine whether it is appropriate to proceed with the Inquiry against the CO-2 who is dismissed from service, the disciplinary authority vide U.O.Note No.2056/Vig.I/2005, Dated: 01.01.2016 has informed that the CO was dismissed in another case and requested this forum to proceed further with the inquiry and to conduct ex-parte inquiry basing on the material available if the whereabouts of the CO are not known. As such the inquiry into the alleged irregularities committed by the CO-2 was proceeded with.

The case of the disciplinary authority against the CO-2 as per **Charge-I** is that he has allegedly caused a overall loss of Rs.7.5 lakhs by executing and recording substandard works in M.B.No.38/TW/94-95 and M.B.No.139.B/TW-93. It is stated that the CO-2 was entrusted with the execution of four C.D. works departmentally from A.M. Kota to Pathakota at an estimated cost of Rs. 12.00 lakhs @ Rs.3.00 Lakhs to each of the four C.D. works. It is alleged that the first C.D. work on the road between KM 8/4 to KM 8/6 was executed with substandard concrete as a result of which the culvert was not put to use defeating very purpose of sanction of the work and the value of the work done to a tune of Rs.1,98,690/- has become infructuous. It is also alleged that the second C.D. work at KM 17/0 was fraudulently recorded

by the CO-2 and he has misappropriated the funds to a tune of Rs.1,45,172/-. It is further alleged that the CO-2 in the 3rd C.D. work on the road at KM 19/0 constructed the C.D. work with substandard concrete and he has also not attempted to provide approaches on either side of the culvert thereby making the culvert un-usable and the amount of Rs. 1,99,864/- spent on the works has become infructuous. In the 4th CD. work at KM 25/0 of the road the CO has allegedly executed the work of value of Rs.2,06,274/- with substandard material and the amount spent on the work has become infructuous. The case of the Disciplinary Authority against CO-2 as per **Charge-II** is that he has drawn huge advances to an extent of Rs. 29.55 lakhs and adjusted only Rs. 16,79,582/- and thus temporarily misappropriated Rs.12,75,418/-. The Presenting Officer in the written brief arguments filed by him has stated that the CO-2 in his written statement/ defense submitted to the Disciplinary Authority has stated that certain road material was stacked at road point and contended that it is very difficult to assess the cost of the material at present in this case as the case relates to the happenings that occurred 19 years age. The PO has stated that the CO-2 has taken an advance of Rs.29.55 lakhs on 18 works and out of that an amount of Rs. 16,79,582/- as adjusted leaving a balance of Rs. 12,75,418/-.

The CO-2 has submitted his written statement of defense to the Disciplinary authority in response to the charge memo issued to him. He has not responded to the several notices sent by this forum and he has not put forth any Defense before this forum. Therefore, the findings of the present inquiry are based on the material available on record. In the defense put forth by the CO-2 in the written statement of defense submitted by him to the DA, he has stated that he was deputed to work in Tribal Welfare Department against his will. He has stated that the works are located in interior areas and he has worked against all odds. He has stated that he was instructed by the Higher Officials to execute the works without bothering about the losses. The CO-2 has stated that he has executed the works by deploying the labour locally available because no skilled labour from plain areas will come and work in the interior areas. He has contended that the works may seem to be uneven due to lack of skills in the locally available labour deployed and other technical problems. He has further stated that his deputation to Tribal Welfare Department was terminated suddenly. The CO-2 stated that he requested the Tribal Welfare Engineering Officials to continue the balance works with the collected materials available at the work spot. He has contended that as a period of two years lapsed most of the collected materials might have got washed away because of rains. The CO-2 has stated that he has got an advance of Rs.29.55 lakhs on 18 works and he has submitted bills worth Rs.20.59 lakhs. He has contended that work bills of value upto Rs.7.5 lakhs were also submitted by him but were pending due to charges framed against him. He has stated that the total value of bills accounted for by him is Rs.28.09 lakhs and for the remaining amount the materials are available at the site. The CO-2 finally contended that his case may be considered in the light of the administrative and technical problems faced by him.

The material on record reveals that admittedly the CO-2 has executed the four C.D. works. Admittedly an amount of Rs.29.55 lakhs was drawn by him as advance. The inspection report of Quality Control and Vigilance Division on works

in Tribal Welfare Division, Rampachodavaram enclosed to letter No.C2/7252/97-RCVM, Dt.17.03.1998 of Chief Engineer, Tribal Welfare addressed to the Principal Secretary to Government, Social Welfare Department reveals that the four C.D. works executed by the CO-2 are of substandard quality. In the Written Brief/Arguments filed by the Presenting Officer who is a Superntending Engineer of Panchayat Raj Department it is stated that the CO-2 has taken an advance of Rs.29.55 lakhs on 18 works out of which an amount of Rs.16,79,582/- was adjusted leaving a balance of Rs.12,75,418/- which is pending adjustment. These facts available on record make the contention of the CO-2 untenable. Therefore, Charge-I and II against the CO are substantiated.

Findings :

In view of the above, the Articles of Charge-I & Charge-II against the CO-2 are held proved.

K. SAHADEVA REDDY,
Inquiring Authority.

Dr. K.S. JAWAHAR REDDY,
Principal Secretary to Government (PR&RD).

Dt: 22-02-2018.

To
Sri N. Arun Kumar,
former Assistant Executive Engineer,
East Godavari District,
now dismissed from service through Engineer in Chief,
Panchayat Raj,
Andhra Pradesh,
Vijayawada (w.e.)

---X---